

CALFRESH REQUEST FOR POLICY INTERPRETATION**PI# 18-34**

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

Please note: the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 03/22/2018	NEED RESPONSE BY: 04/02/2018
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: Ventura County	
3. PHONE NO.:	EMAIL:	7. SUBJECT: Determining Indigence vs 40 quarters/other exemptions	
4. REGULATION CITE(S): MPP 63-503.492(d)(1)(B), ACL 11-06, CFR273.4(iv)		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 11-0, ACL 11-06E	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Scenario: A CF household of 2. Mother is a sponsored LPR, with one U.S. citizen child. Mom has 48 work quarters.

In what order should the sponsored non-citizen household be evaluated for indigence? Should the 40 quarters be determined and allocated to the client exempting her from sponsorship before or after determining indigence? or should indigence be determined first?

10. REQUESTOR'S PROPOSED ANSWER:

ACL 11-06 Page Two under New Policy for Determining Indigence of Sponsored Non-Citizens reads in part, "The provisions of MPP 63-405.7, regarding obligations of sponsored immigrants to obtain cooperation of their sponsor, do not apply once the county has determined the adult sponsored non-citizen(s) is indigent or otherwise exempted from deeming. Upon receiving an application from an adult sponsored non-citizen seeking CalFresh benefits, the county must first determine whether the household is indigent.

Although it is stated above that first we must complete a determination of indigence, this is in reference to not requesting the sponsors' income and property prior to a determination of indigence or other exemption.

Continue on page 2

11. STATE POLICY RESPONSE (CFPB USE ONLY):

The CDSS concurs with the proposed answer. Per federal regulations at 7 CFR 273.4(c)(2), CWDs must deem the sponsor's income and resources until the non-citizen can receive credit for 40 qualifying quarters of work or meets another exemption. Any exemption should be clarified before sponsor deeming and/or determining indigence.

FOR CDSS USE

DATE RECEIVED:

03/22/2018

DATE RESPONDED TO COUNTY/ALJ:

04/03/2018

CALFRESH REQUEST FOR POLICY INTERPRETATION (Continued)**PI#18-34**

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		5. DATE OF REQUEST: 03/22/2018	NEED RESPONSE BY: 04/02/2018
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: County of Ventura	
3. PHONE NO.:	EMAIL:	7. SUBJECT: Determining Indigence vs 40 quarters/other exemptions	
4. REGULATION CITE(S): MPP 63-503.492(d)(1)(B), ACL 11-06, CFR273.4(iv)		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 11-06	

From page 1-
Proposed Answer

If a permanent exemption from sponsor deeming such as 40 qualifying quarters exits, this should be clarified before determining indigence. When determining indigence the name of the sponsor is requested which sometimes leads to the client choosing to opt out before 40 quarters or other permanent exemption can be explored.